

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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JACQUELINE BROWN,  
 Plaintiff,

vs.

JOAN KRANE, *et al.*,  
 Defendants.

Case No. 2:21-cv-00015-JAD-VCF

**REPORT AND RECOMMENDATION**

NOTICE OF REMOVAL [ECF NO. 1-1]

Pending before the Court is plaintiff's notice of removal of this action from the Las Vegas Justice Court. (ECF No. 1-1). Cases from state court may be removed by a defendant. 28 U.S.C. § 1441(a). A plaintiff who initiates a case in state court is not permitted to remove her action to federal court. *Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 108 (1941); see also *Belssner v. Zhou*, 2017 U.S. Dist. Lexis 179898 at 1 (D. Nev. Oct. 31, 2017), adopted, 2018 U.S. Dist. Lexis 201052 (D. Nov. Nov. 28, 2018). Plaintiff's filing<sup>1</sup> refers to itself as a "complaint" but the filing identifies itself as a notice of removal and lists the Las Vegas Justice Court case that is being removed. See ECF No. 1-1 at 1 (identifying Justice Court case number 20E010963); see also ECF No. 1-2 (civil cover sheet identifying

<sup>1</sup> Plaintiff did not pay the filing fee or file an application to proceed in forma pauperis. 28 U.S.C. § 1914(a) (requiring payment of filing fee for removed cases); 28 U.S.C. § 1915 (providing mechanism to seek in forma pauperis status). Since removal is improper, the Court need not resolve this issue.

1 case origin as a removal from state court). I recommend that this case be remanded back to the Las  
2 Vegas Justice Court.

3 ACCORDINGLY,

4 I RECOMMEND that this action [ECF No. 1-1] be REMANDED back to the Las Vegas Justice  
5 Court.

6 **NOTICE**

7 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and  
8 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk  
9 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal  
10 may determine that an appeal has been waived due to the failure to file objections within the specified  
11 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985).

12 This circuit has also held that (1) failure to file objections within the specified time and (2)  
13 failure to properly address and brief the objectionable issues waives the right to appeal the District  
14 Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d  
15 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).  
16 Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any  
17 change of address. The notification must include proof of service upon each opposing party's attorney,  
18 or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may  
19 result in dismissal of the action.  
20

21 IT IS SO RECOMMENDED.

22 DATED this 19<sup>th</sup> day of August 2021.

23 

24 CAM FERENBACH  
25 UNITED STATES MAGISTRATE JUDGE